

EXHIBIT A

El Paso County - 327th District Court

Filed 10/15/2018 9:13 AM
Norma Favela Barcelean
District Clerk
El Paso County
2018DCV3840

IN THE _____ JUDICIAL DISTRICT COURT
COUNTY COURT AT LAW NUMBER _____
EL PASO COUNTY, TEXAS

MARY YUENGEL,

PLAINTIFF,

VS.

G4S SECURE SOLUTIONS (USA) INC.,

DEFENDANT.

CAUSE No.: _____

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THIS COURT:

COMES NOW, MARY YUENGEL, PLAINTIFF, by and through her attorney of record, John P. Valdez of Davie & Valdez, P.C., and files Plaintiff's Original Complaint, and for cause of action would show the Court as follows:

DISCOVERY CONTROL PLAN

1. Discovery will be conducted under Level III of Rule §190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

PARTIES TO THIS ACTION

2. Plaintiff is an individual that resides in El Paso County, Texas.
3. Defendant G4S Secure Solutions (USA) Inc., is a Florida corporation doing regular and systematic business in the State of Texas. Said defendant may be served with process by serving its registered agent: Prentice Hall Corp. System at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

4. Venue is proper in El Paso County, Texas because the incident made the subject matter of this lawsuit occurred in El Paso County, Texas.

FACTS

5. Plaintiff began working for Defendant on or around January of 2016 as a security officer. Plaintiff is a 57 year-old female. At all relevant times, Defendant was a subscriber of the Texas Workers' Compensation system and was a covered employer under Chapter 21 of the Texas Labor Code.
6. Plaintiff suffered an on-the-job injury while working for Defendant and reported the injury to Defendant. As a result of the injury Plaintiff sought workers' compensation benefits in the form of medical treatment, which she received. Plaintiff was released with restrictions. As a result of the on-the-job injury, Defendant began to treat Plaintiff differently and exhibited a

negative attitude toward her. In addition, Arliss Rhodes, Plaintiff's supervisor, told Plaintiff that he was in trouble with his superiors because of Plaintiff's workers' compensation claim.

7. On or around November 22, 2016, Plaintiff's co-worker Officer Dwayne Grey, who is a younger male, was to take Plaintiff's place at the end of her shift. Plaintiff could smell alcohol on Officer Grey, so she reported this to her supervisor, Arlis Rhodes, the next day.

8. On December 15, 2016, Arlis Rhodes arrived at the Chase Tower at 201 East Main Drive in El Paso, Texas to speak with Plaintiff about Officer Dwayne Grey. Plaintiff was presented with a write up stating that she did not report Officer Grey soon enough. Plaintiff refused to sign the write up. No know reprimand or disciplinary action was given to Officer Dwayne Grey.

9. Plaintiff was terminated on December 29, 2016. After her termination, Plaintiff's position was filled by a male that is younger than her.

CAUSE OF ACTION

9. Plaintiff brings this lawsuit against Defendant for age, sex, and disability discrimination and retaliation under Chapter 21 of the Texas Labor Code and Tex. Lab. Code §451. More than 180 days prior to the filing of this lawsuit Plaintiff timely filed a complaint with the Texas Workforce Commission, Civil Rights Division. All conditions precedent to the filing of this lawsuit have been met.

EQUITABLE RELIEF

10. Plaintiff further seeks equitable relief in that Defendant be enjoined from engaging in unlawful practices and continuing other unlawful practices in the future.

DAMAGES

11. As a result of the wrongful termination of Plaintiff as described above, Plaintiff has suffered and continues to suffer from the following:

- a. Lost wages and loss of wage earning capacity, past and future;
- b. Mental anguish, past and future; and
- c. Other damages.

12. The actions of Defendant were of the type and kind that should result in an award of punitive damages against Defendant.

13. Plaintiff is entitled to an award of attorney fees.

14. Claimant seeks monetary relief over \$200,000.00, but not more than \$1,000,000 and the damages sought are within the jurisdictional limits of this court.

JURY REQUEST

15. Plaintiff requests a Trial by Jury on all issues as set forth herein.

REQUESTS FOR DISCLOSURE

16. Pursuant to TEXAS RULES OF CIVIL PROCEDURE, you are requested to disclose the information set out within §194.2, subsections (A) through (L) within 51 days of service of this Complaint.

PRAYER

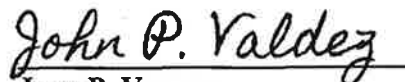
17. WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendant be cited to appear and answer and that on final trial judgment be entered against Defendant for all relief requested as follows:

- a. Judgment against Defendant for actual damages in an amount that is within the jurisdictional limits of this Court.
- b. Pre and post-judgment interest, as described by law, until paid;
- c. Costs of suit;
- d. Attorney fees;
- e. Punitive damages; and
- f. Such other and further relief, general and special, at law or at equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

DAVIE & VALDEZ P.C.
1801 N. Stanton
El Paso, Texas 79902
(915) 838-1100

By:



JOHN P. VALDEZ
State Bar No. 24047021
john@davievaldez.com



1000



78702

U.S. POSTAGE PAID
FCM LETTER
EL PASO, TX
79925
OCT 22, 18
AMOUNT

\$6.91

R2304E106546-01

CERTIFIED MAIL®



7016 0910 0000 8589 0716

AT YOUR SERVICE PROCESS SERVIC
19221 Stoneway Dr.
El Paso, Texas 79925

G4S SECURE SOLUTIONS (USA) INC.
ATTN: PRENTICE HALL CORP. SYSTEM
2211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78702

**RETURN RECEIPT
REQUESTED**

ST. LOUIS MO 63102
OCT 22 18

78FGE-642511

NSC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>John P. Valdez</u> Email: <u>john@davievaldez.com</u> Address: <u>1801 N. Stanton</u> Telephone: <u>915-838-1100</u> City/State/Zip: <u>El Paso, Texas 79902</u> Fax: _____ Signature: <u>John P. Valdez</u> State Bar No: <u>24047021</u> [Attach additional page as necessary to list all parties]		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Mary Yuengel</u> Defendant(s)/Respondent(s): <u>G4S Secure Solutions (USA) Inc.</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000									

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **G4S Secure Solutions (USA) Inc.**, who may be served with process by serving its registered agent, Prentice Hall Corp. System at, 2211 E. 7th Street, Suite 620, Austin, TX 78701

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **327th Judicial District Court, El Paso County, Texas**, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the **15th** day of **October**, 2018, by Attorney at Law, **JOHN P. VALDEZ**, 1801 N. STANTON, EL PASO, TX 79902 in this case numbered **2018DCV3840** on the docket of said court, and styled:

Mary Yuengel
vs
G4S Secure Solutions (USA) Inc.

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the **18th** day of **October**, 2018.

Attest: **NORMA FAVELA BARCELEAU**, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901

ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail, return receipt requested, a true copy of the citation Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

<u>JOEL PAYAN</u>	<u>PROCESS SERVER</u>
*NAME OF PREPARER	TITLE
<u>10221 STONEWAY DR.</u>	
ADDRESS	
<u>EL PASO</u>	<u>TEXAS</u>
CITY	STATE
	<u>79925</u>
	ZIP

By *Stephanie V. Aguilar* Deputy
Stephanie V. Aguilar

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 22ND day of OCTOBER, 2018, at 5:00PM I mailed to G4S SECURE SOLUTIONS (USA) INC. BY DELIVERING TO ITS REGISTERED AGENT, PRENTICE HALL CORP. SYSTEM Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition attached thereto.

J.P. SCH# 2253, EXP. 8/31/19
PROCESS SERVER FOR AT YOUR SERVICE PROCESS SERVER
TITLE



RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

By: _____
Deputy District Clerk
OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."



Subscribed and sworn to be on this _____ day
of _____, _____

Notary Public, State of _____

My commission expires: _____